

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Second Regular Session

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WEDNESDAY, September 13, 1995

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The chief clerk makes the following entries under the above date.

**INTRODUCTION, FIRST READING AND REFERENCE OF BILLS**

Read first time and referred:

**Senate Bill 328**

Relating to: collect telephone calls and providing a penalty.

By Senators Wineke, Burke, Andrea, Moen, Plewa, Buettner and Schultz; cosponsored by Representatives Powers, Musser, Hanson, F. Lasee, Ryba, Wilder, Ziegelbauer, La Fave, Schneiders, Porter, Brandemuehl, Dobyms, Duff, Freese, Goetsch, Green, Hahn, Hoven, Kreibich, Skindrud, Olsen, Ward, Ott, Seratti, Silbaugh, Albers, Kelso and Walker.

To committee on **Judiciary**.

**Senate Bill 329**

Relating to: the expenditure of a sum sufficient equal to \$116,854 plus interest from the transportation fund for payment of a claim against the state made by James Cape and Sons Company.

By Senator Petak; cosponsored by Representative Ladwig.

To joint committee on **Finance**.

**Senate Bill 330**

Relating to: the appointment to the board of regents of the University of Wisconsin System and creating a board of regents nominating council.

By Senators Risser, Moen, Clausung, Chvala and Moore; cosponsored by Representatives Baldwin, Baldus, Ryba, Boyle, Turner, Black and Gronemus.

To committee on **Education and Financial Institutions**.

**Senate Bill 331**

Relating to: special distinguishing registration plates associated with professional athletic teams, payments to D.A.R.E. Wisconsin, Ltd., and making an appropriation.

By Senators Drzewiecki, Fitzgerald, Rosenzweig, Panzer, Schultz, Clausung and Huelsman; cosponsored by Representatives Kelso, Dobyms, Plombon, Carpenter, Ladwig, Goetsch, Hahn, Riley, Olsen, Handrick, Gunderson, Ward, Ott and Seratti.

To committee on **Transportation, Agriculture and Local Affairs**.

**Senate Bill 332**

Relating to: the midwest interstate low–level radioactive waste compact.

By Senators Cowles, Burke and Farrow; cosponsored by Representatives Duff and Bock, by request of Governor Tommy G. Thompson.

To committee on **Environment and Energy**.

**REPORT OF COMMITTEES**

The committee on **Senate Organization** reports and recommends:

**Senate Bill 289**

Relating to: membership of the board of regents of the University of Wisconsin System.

Passage.

Ayes, 6 – Senators Ellis, Rude, Farrow, Jauch, Risser and Moen.

Noes, 0 – None.

Michael Ellis  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Committee on Senate Organization**

September 7, 1995

The Honorable, The Senate:

Pursuant to Senate Rule 20, I have made the following appointments to Joint Standing Committees:

**Joint Finance:** Senator Brian Burke and Senator Russell Decker

With regards to members of the Democratic party, the appointments reflect recommendations of that caucus.

Sincerely,

SENATOR MICHAEL G. ELLIS  
Chair

**State of Wisconsin  
Legislative Audit Bureau**

September 13, 1995

The Honorable, The Legislature:

We have completed a review of issues related to the effect of mandates on local school districts, as requested by the Joint Legislative Audit Committee. Our efforts focused on developing information that may be of use in completing a future study of the effect of mandates on peer pupil expenditures, including determining the mandates of greatest concern to local officials.

Although discussions about mandates often focus on the 20 standards delineated in s. 121.02, Wis. Stats., school districts are subject to a far larger number of federal and state requirements; state statutes alone delineate at least 280 such requirements. In addition to educational standards, these requirements address such things as safety, finance, and building maintenance.

Based on survey responses of 315 school board presidents and superintendents, it appears the great majority recognize that state mandates stem from the State's overall responsibility for education. However, there is widespread frustration with mandates and general agreement that additional funding and flexibility are needed. Those requirements about which concerns were most frequently expressed were the 20 standards, special education, and limits on district revenue increases.

Despite expressed concerns, we were unable to identify any existing model for efficiently measuring the fiscal effect of mandates, including the extent to which district expenditures are attributable to local initiatives rather than state or federal requirements. In addition, although some local officials offered to assist in the development of information necessary to complete such an analysis, others asserted that the need to develop or provide such information would be viewed as another state mandate.

Rather than develop information about expenditures that have already been incurred, it may be more practical to adopt strategies for measuring the costs of mandates in the future, particularly new mandates. The Legislature has, however, already taken some steps to address concerns about mandates, including increasing district flexibility and eliminating some mandates.

Sincerely,

DALE CATTANACH  
State Auditor

**State of Wisconsin  
Office of the Commissioner of Insurance**

July 1995

The Honorable, The Legislature:

Pursuant to section 153.10(1), Wis. Stats., we are please to submit to the Governor and to the Legislature the quarterly **Health Care Data Report**. This report is based on hospital inpatient discharge data reported to the office of Health Care Information by all operating general medical-surgical and specialty hospitals in Wisconsin for the second quarter of 1994 (April-June). It also contains selected ambulatory surgery utilization and charge data from general medical-surgical hospitals and freestanding ambulatory surgery centers in Wisconsin during the same quarter.

This report fulfills the statutory requirement to report "*in a manner that permits comparisons among hospitals . . . the charges for up to 100 health care services or diagnostic-related groups selected by the office.*"

Sincerely,

JOSEPHINE MUSSER  
Commissioner of Insurance

TRUDY A. KARLSON, PH.D  
Office of Health Care Information

**State of Wisconsin  
Public Service Commission**

September 7, 1995

The Honorable, The Senate:

Enclosed in the fourth annual report of the Public Service Commission to the legislature as provided for in s. 1.11(2)(j), Wis. Stats. It reports on the number of environmental assessments and environmental impact statements prepared by the Commission between July 1, 1994 and June 30, 1995.

If you have any questions on this report, please contact our Environmental Affairs Coordinator, Michael John Jaeger, at (608) 267-2546.

Sincerely,

CHERYL L. PARRINO  
Chairperson

**State of Wisconsin  
Department of Administration**

August 31, 1995

The Honorable, The Legislature:

This report is transmitted as required by sec. 20.002(11)(f) of the Wisconsin Statutes, (for distribution to the appropriate standing committees under sec. 13.172 (3) Stats.), and confirms that the Department of Administration has found it necessary to exercise the "temporary reallocation of balances" authority provided by this section in order to meet payment responsibilities and cover resulting negative balances during the month of July, 1995.

On July 3, 1995 the **Patients Compensation Fund** balance was -\$2.4 million. This shortfall continued until July 11, 1995 when the balance reached +\$4.1 million. The shortfall was due to a delayed transfer to the fund.

The Patients Compensation Fund shortfall was not in excess of the \$400 million ceiling and did not exceed the balances of the Funds available for interfund borrowing.

The distribution of interest earnings to investment pool participants is based on the average daily balance in the pool and each fund's share. Therefore, the monthly calculation by State Finance will automatically reflect the use of these temporary reallocations of balance authority.

Sincerely,

JAMES R. KLAUSER  
Secretary

Referred to joint committee on **Finance**.

**State of Wisconsin  
Wisconsin Health and Educational Facilities Authority**

September 1, 1995

The Honorable, The Legislature:

Pursuant to Chapter 231.35(8) of Wisconsin Statutes, the Wisconsin Health and Educational Facilities Authority submits the following report for distribution under s. 13.172(2):

The Rural Hospital Loan Guarantee Program (RHLGP) is operational. Announcements and information about the program are periodically published in WHEFA newsletters and other healthcare newsletters. The first and only application for the program was received and a guarantee issued during 1994. The Osceola Medical Center secured a \$100,000 guarantee amount from the Rural Hospital Loan Guarantee Fund to enhance a \$500,000 local bank loan. The annual revenue of Osceola Medical Center for the fiscal year ending December 31, 1994 was \$4,099,885. To the best of our knowledge, no default on the guarantee has or is occurring.

The Rural Hospital Loan Guarantee Fund now only has a \$100,000 balance for the Osceola Medical Center Guarantee.

On August 3, 1995 and pursuant to Section 9125 of the Governor's Budget Bill, the Authority returned to the Department of Administration the unutilized funds of the program.

The Authority will continue to administer the RHLGP for the Osceola Medical Center Guarantee.

Sincerely,

LARRY NINES  
Executive Director

**State of Wisconsin  
Department of Natural Resources**

August 31, 1995

The Honorable, The Legislature:

I am please to send you the report, *Cryptosporidium* ssp. *Oocyst* and *Giardia* ssp. *Cyst, Occurrence, Distribution and Levels in Wisconsin Waters*. While this is our final and complete report, final published copies for general distribution will not be available for a few weeks. I will be happy to provide you with additional copies if needed.

I greatly appreciate the opportunity to conduct this important study and we hope you find the report informative. If you have any specific questions on the issues discussed in the report, feel free to contact Joe Ball with the Bureau of Water Resources Management at (608) 266-7390.

Sincerely,

GEORGE E. MEYER  
Secretary

**State of Wisconsin  
Ethics Board**

September 8, 1995

The Honorable, The Senate:

I am please to provide you with the accompanying report of the State of Wisconsin Ethic's Board's activities for the year July 1994 through June 1995. This report provides information on the Board's operations and contains the texts of Wisconsin's Ethics Code and lobbying law. It also includes a description of complaints and investigations pursued by the Ethics Board, and summaries of advisory opinions issued by the Board during the year.

Sincerely,

R. ROTH JUDD  
Executive Director

**State of Wisconsin  
Ethics Board**

September 12, 1995

To the Honorable the Senate:

At the direction of s. 13.685(7), Wisconsin Statutes, I am furnishing you with the names of organizations recently registered with the Ethics Board that employ one or more individuals to affect state legislation or administrative rules, and notifying you of changes in the Ethics Board's records of licensed lobbyists and their employers. For each recently registered organization I have included the organization's description of the general area of legislative or administrative action that it attempts to influence and the name of each licensed lobbyist that the organization has authorized to act on its behalf.

**Organizations recently registered:**

Below are the names of organizations recently registered with the Ethics Board as employing one or more individuals to affect state legislation or administrative rules.

**Car Rental Alliance, Wisconsin**

Legislative and regulatory matters affecting the conduct of the car rental business in Wisconsin.

Mitchell, Brian

**Diesel Engine Manufacturers & Distributors, Inc., Assn of**

Any matter affecting the organization in any way by any state agency or the legislature.

Tries, John

**Fraternal Congress, Wisconsin**

As a Fraternal Benefit Society, members of the WFC have a statutory exemption from property taxes of up to ten acres per society. Members are also granted, under the statutes, exemption from state premium taxes. The WFC would attempt to influence any legislation or administrative rule that would affect these exemptions.

Schreiber, Martin

**RAM Center, Inc.**

Access to public records

Marion, Edward

**Winchester Security Products**

Any matter affecting the company in any way by any state agency or the legislature.

Tries, John

**Organization's authorization of additional lobbyists:**

The following organizations previously registered with the Ethics Board as employers of lobbyists have authorized to act on their behalf these additional licensed lobbyists:

**Farmers Group, Inc**

Kistler, Brenda

**Gas Co, Wisconsin**

Mueller, Carl

Irwin, Ron

**Green Bay Area Chamber of Commerce**

Montgomery, Phillip

**Metropolitan Milwaukee Assn of Commerce**

Stitt, Don

Chrnlich, Joe

Hagerup, Chris

**Milwaukee Brewers Baseball Club**

Jentz, Robert

Klauser, David

**Plastics Council, American**

Graven, Mara

**Organization's termination of lobbyists:**

Each of the following organizations previously registered with the Ethics Board as the employer of a lobbyist has withdrawn, on the date indicated, its authorization for the lobbyist identified to act on the organization's behalf.

**Bell South Cellular Corp**

Stitt, Donald 9/5/95

**Farmers Group, Inc**

Petit, John 7/28/95

**Fireworks Assn, Wisconsin**

Goyke, Gary 9/8/95

**Hospital Assn, Wisconsin**

Hewett, David 9/8/95

**Plastics Council, American**

Theo. Peter 9/5/95

Also available from the Wisconsin Ethics Board are reports identifying the amount and value of time state agencies have spent to affect legislative action and reports of expenditures for lobbying activities filed by the organizations that employ lobbyists.

Sincerely,

R. ROTH JUDD  
Executive Director

**EXECUTIVE COMMUNICATIONS**

**State of Wisconsin  
Office of the Governor**

September 6, 1995

The Honorable, The Senate:

This is to inform you that I am withdrawing the nomination of **Dr. Wilbur C. Beach** for reappointment to the Rural Health Development Council.

Dr. Beach has notified me that he is retiring on December 31, 1995 and therefore will be resigning from the Council at that time.

Thank you for your attention to this matter.

Sincerely,

TOMMY G. THOMPSON  
Governor

**State of Wisconsin  
Office of the Governor**

September 6, 1995

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint DORN, JAMES WILLIAM, of Appleton, as a member of the Examining Board of Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors, to serve for the interim term ending July 1, 1998.

Sincerely,

TOMMY G. THOMPSON  
Governor

Read and referred to committee on **Business, Economic Development and Urban Affairs**.

**State of Wisconsin  
Office of the Governor**

September 6, 1995

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HUNTER, TODD, of Madison, as a member of the Gaming Commission, to serve for the term ending July 1, 1996.

Sincerely,

TOMMY G. THOMPSON  
Governor

Read and referred to committee on **Business, Economic Development and Urban Affairs**.

**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**State of Wisconsin  
Revisor of Statutes Bureau**

September 1, 1995

To the Honorable, the Senate:

The following rules have been published:

<b>Clearinghouse Rules</b>	<b>Effective Date(s)</b>
93-158	September 1, 1995
94-141	September 1, 1995
94-163	September 1, 1995
94-164	September 1, 1995
94-181	September 1, 1995
94-187	September 1, 1995
94-213	September 1, 1995
94-215	September 1, 1995
94-218	September 1, 1995
94-222	September 1, 1995
94-224	September 1, 1995
95- 1	September 1, 1995
95- 2	September 1, 1995
95- 3	September 1, 1995
95- 9	September 1, 1995
95- 20	September 1, 1995
95- 25	September 1, 1995
95- 42	September 1, 1995
95- 46	September 1, 1995
95- 58	September 1, 1995
95- 64	September 1, 1995
95- 72	September 1, 1995
95- 94	September 1, 1995
95- 29	September 1, 1995
95- 71	September 1, 1995

Sincerely,  
GARY L. POULSON  
Deputy Revisor

**Senate Clearinghouse Rule 94-200**

Relating to adoption of children with special needs.

Submitted by Department of Health and Social Services.

Report received from Agency, September 11, 1995.

Referred to committee on **Health, Human Services and Aging**, September 13, 1995.

**Senate Clearinghouse Rule 95-126**

Relating to motor carrier safety regulations.

Submitted by Department of Transportation.

Report received from Agency, September 7, 1995.

Referred to committee on **Transportation, Agriculture and Local Affairs**, September 13, 1995.

**Senate Clearinghouse Rule 95-127**

Relating to motor carrier safety requirements for transportation of hazardous materials.

Submitted by Department of Transportation.

Report received from Agency, September 7, 1995.

Referred to committee on **Transportation, Agriculture and Local Affairs**, September 13, 1995.

**Senate Clearinghouse Rule 95-128**

Relating to motor carrier safety requirements for intrastate transportation of hazardous materials.

Submitted by Department of Transportation.

Report received from Agency, September 7, 1995.

Referred to committee on **Transportation, Agriculture and Local Affairs**, September 13, 1995.

**Senate Clearinghouse Rule 95-129**

Relating to changes in rules governing financial regulation of insurers and reinsurers and risk retention and purchasing groups.

Submitted by Office of the Commissioner of Insurance.

Report received from Agency, September 8, 1995.

Referred to committee on **Insurance**, September 13, 1995.

**Senate Clearinghouse Rule 95-134**

Relating to the joint effort marketing program.

Submitted by Department of Development.

Report received from Agency, September 11, 1995.

Referred to committee on **Business, Economic Development and Urban Affairs**, September 13, 1995.

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The Committee on **Transportation, Agriculture and Local Affairs** reports and recommends:

**Senate Clearinghouse Rule 95-057**

Relating to commercial weighing and measuring devices.

No action taken.

Alan Lasee  
Chairperson

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**AMENDMENTS OFFERED**

Senate substitute amendment 1 to **Senate Bill 266** offered by Senator Zien.

Senate amendment 1 to **Senate Bill 290** offered by Senator Darling.

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**LEGISLATIVE REFERENCE BUREAU  
CORRECTONS**

**CORRECTIONS IN:**

**1995 ENGROSSED ASSEMBLY BILL 130**

Prepared by the Legislative Reference Bureau  
(September 9, 1995)

1. Page 205, line 19: delete "**938. 183**" and substitute "**938.183**".

**CORRECTIONS IN:**

**1995 ENGROSSED ASSEMBLY BILL 130**

Prepared by the Legislative Reference Bureau  
(September 11, 1995)

1. Page 243, line 16: substitute "filed" for "field".

**CORRECTIONS IN:**

**1995 SENATE BILL 318**

Prepared by the Legislative Reference Bureau  
(September 5, 1995)

1. Page 12, line 9: after "whenever," insert "in".
2. Page 32, line 11: before "SECTION" insert "and".